

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,

Defendants.

/

**CSX TRANSPORATION, INC.'S  
MOTION TO FILE DOCUMENTS UNDER SEAL**

COMES NOW Plaintiff CSX Transportation, Inc.'s ("CSXT"), by counsel, and respectfully submits this Motion to Seal portions of its unredacted Opposition to Defendant Norfolk & Portsmouth Beltline Railroad Company's ("NPBL") Motion to Compel, together with Exhibit 1 thereto, because they contain and/or reference information that CSXT, NPBL, or Defendant Norfolk Southern Railway Company ("NS") have indicated is "Confidential" or "Confidential – Attorneys Eyes Only" under the Stipulated Protective Order entered in this matter. ECF No. 79, ¶ 16.<sup>1</sup> In support of this Motion, CSXT submits contemporaneously a non-confidential Memorandum in Support of Motion to File Documents Under Seal. CSXT has also filed herewith a Notice of Filing a Motion to Seal, as required by Local Civil Rule 5(C). CSXT

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<sup>1</sup> CSXT's Opposition discusses and characterizes the substance of accompanying Exhibit 1, as well as Exhibits to NPBL's previously filed Motion to Compel (*see* ECF No. 200) and its Memorandum in Support of its Motion to Compel (ECF No. 201) which are the subject of NPBL's July 24, 2020, Motion to Seal (ECF No. 197). CSXT has noted that it does not object to NPBL's Motion to Seal and joins NPBL in its sealing request. *See* ECF No. 209.

waives oral argument on this motion. A proposed order granting the requested relief is attached as Exhibit 1.

For the foregoing reasons, CSXT respectfully requests that the Court grant its Motion to Seal and enter the attached proposed Order providing for the sealing of these documents.

Dated: August 7, 2020

Respectfully submitted,

**CSX TRANSPORTATION, INC.**

*By Counsel*

/s/ Robert W. McFarland

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**CERTIFICATE OF SERVICE**

I certify that on this 7th day of August, 2020, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

*/s/ Robert W. McFarland* \_\_\_\_\_

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